

cu



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,195	07/02/2001	Makoto Shimizu	Q65225	1512

7590 10/29/2003

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 10/29/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,195

Applicant(s)

SHIMIZU ET AL.

Examiner

Gloria R Weeks

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-37 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-29, 37 and 39-41 is/are allowed.
- 6) ☒ Claim(s) 30-33, 35, 36 and 43 is/are rejected.
- 7) ☐ Claim(s) 34 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Response to Amendment

1. This action is in response to Applicants' amendment filed October 20, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-33, 35-36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCole (USPN 4,312,939) in view of Rutledge et al. (USPN 5,188,580).

In reference to claims 30, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1,3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8, lines 13-21), the apparatus comprising: a component supply station (2, 4, 18) for supplying the mask sheet (21) and the two sheets (1, 3); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4); a cutting station (43) for cutting the continuous member to a predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23).

McCole does not disclose a free loop in a feed region. Rutledge et al. teaches an apparatus for manufacturing a film (22) comprising at least one free loop (194, 204) disposed in a feed region (figure 1A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of McCole to include at least one free loop of Rutledge et al. for the purpose of feeding the web at different speeds in particular stations of the conveying plane without affecting other stations of the apparatus (Rutledge et al.- abstract, lines 14-30).

Regarding claim 31 and its limitations as stated above, the modified apparatus of McCole in view of Rutledge et al teaches an apparatus further comprising first feed means (Rutledge et al.-90) disposed upstream of the free loop for feeding the continuous member a predetermined pitch interval at a time; and a second feed means (Rutledge et al.-rollers 92, 94; figure 12; abstract, lines 14-30; column 9, lines 38-42; column 11, lines 5-24) disposed downstream of the free loop for feeding the continuous member a predetermined pitch interval at a time.

With respect to claim 32 and its limitations as stated above, the modified apparatus of McCole in view of Rutledge et al. teaches an apparatus further comprising detecting means (Rutledge et al.-142, 144, 146, 148, 150) disposed downstream of the free loop for detecting a positioned area of the continuous member and feeding the continuous member and feeding the continuous member a predetermined number of pitches at a time with the second feed means based on the detected positioned area.

Regarding claim 33 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (McCole-18) the mask sheet (McCole-21) and the two sheets as (McCole-1, 3) first through third continuous members (McCole-2, 4; figure 1), the arrangement being such that the

first through third continuous members (McCole-2, 4) are cut together (McCole-43) after being bonded (McCole-18) to each other (McCole-column 6, lines 12-17; column 7, lines 20-23).

In reference to claims 35 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (McCole-41) for forming foldable thin portions on opposite marginal side edges of the image frame (3a) of the mask sheet (McCole-21), the foldable thin portions having a predetermined depth across the mask sheet (McCole-21; column 7, lines 11-15).

Regarding claim 36, and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming stations (McCole-33) for forming a deformed area (McCole-34) at the trap and serving as an air passage (McCole-column 7, lines 61-65).

With respect to claim 43 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit simultaneously supplying at least one of a plurality of pods (30) and a trap (34) to a marginal edge of the image frame (figure 2; column 7, lines 11-19).

Allowable Subject Matter

5. Claims 34 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 25-29, 37 and 39 are allowed.

Response to Arguments

5. Applicant's arguments, see page 9, filed October 20, 2003, with respect to claim 34 has been fully considered and are persuasive. The rejection of claim 34 has been withdrawn.

6. Applicant's arguments filed October 20, 2003 regarding claims 30-33 and 35-36 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Rutledge et al. teaches the use of a loop for the purpose of feeding a continuous web through a plurality of station without applying undesirable tension as a result of the web being stopped while at a first station and continuously fed at a second station. The first suggestion that McCole could be combined with Rutledge et al. is McCole's disclosure of a continuous web through a plurality of stations. McCole's continuous web performs a cycle of stop and go wherein the web is fed at a desired rate, completely stopped for treatment on the web at various stations, then fed at the desired rate. This cycle continues throughout the process of the continuous web into a film unit. The modification of McCole to include the loop(s) of Rutledge et al. would allow the web of McCole to be fed continuously upstream of the intermittent sealing and cutting station, thereby only allowing the web to be stopped while at the sealing and cutting station.

Conclusion


7. ~~THIS ACTION IS MADE FINAL.~~ Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.


grw
October 27, 2003

Gloria R Weeks
Examiner
Art Unit 3721


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700